

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CARL ESPOSITO, individually and on behalf )  
of all others similarly situated, )  
  )

Plaintiffs, )  
  )

v. )  
  )

MERRILL LYNCH & CO., INC., E. )  
STANLEY O'NEAL, CAROL T. CHRIST, )  
ARMANDO M. CODINA, VIRGIS W. )  
COLBERT, JILL K. CONWAY, ALBERTO )  
CRIBIORE, JOHN D. FINNEGAN, JUDITH )  
MAYHEW JONAS, DAVID K. )  
NEWBIGGERING, AULANA L. PETERS, )  
JOSEPH W. PRUEHER, ANN N. REESE, )  
CHARLES O. ROSSOTTI, LOUIS DIMARIA, )  
PETER STINGI and JOHN AND JANE DOES )  
1-20, )  
  )

Defendants. )  
  )

**Case No. 07-CV-10687 (JGK)**

**MOTION TO ADMIT COUNSEL  
PRO HAC VICE**

BARBARA BOLAND, individually and on )  
behalf of all others similarly situated, )  
  )

Plaintiffs, )  
  )

v. )  
  )

MERRILL LYNCH & CO., INC., E. )  
STANLEY O'NEAL, CAROL T. CHRIST, )  
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CHARLES O. ROSSOTTI, LOUIS DIMARIA, )  
PETER STINGI and JOHN AND JANE DOES )  
1-20, )  
  )

Defendants. )  
  )

**Case No. 07-CV-11054 (MGC)**

NYC 925-63047 12/14/07

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Lynda J. Grant, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of:

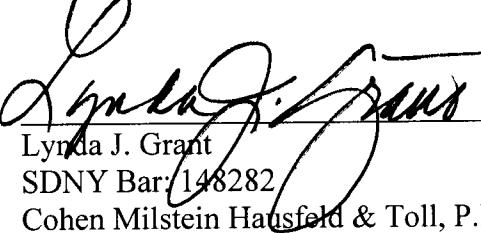
DEREK W. LOESER  
Keller Rohrback LLP  
1201 Third Avenue  
Suite 3200  
Seattle, WA 98101  
Phone: 206-623-1900  
Fax: 206-634-3384

DEREK W. LOESER is a member in good standing of the Bar of the State of Washington.

There are no pending disciplinary proceeding against DEREK W. LOESER in any State or Federal Court.

Dated: December 14, 2007  
New York, New York

Respectfully submitted,



Lynda J. Grant  
SDNY Bar #148282  
Cohen Milstein Hausfeld & Toll, P.L.L.C.  
150 East 52<sup>nd</sup> Street  
New York, NY 10022  
Phone: 212-838-7797  
Fax: 212-838-7745

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CARL ESPOSITO, individually and on behalf  
of all others similarly situated,

Plaintiffs,

v.

MERRILL LYNCH & CO., INC., E.  
STANLEY O'NEAL, CAROL T. CHRIST,  
ARMANDO M. CODINA, VIRGIS W.  
COLBERT, JILL K. CONWAY, ALBERTO  
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CHARLES O. ROSSOTTI, LOUIS DIMARIA,  
PETER STINGI and JOHN AND JANE DOES  
1-20,

Defendants.

**Case No. 07-CV-10687 (JGK)**

**DECLARATION OF LYNDA J.  
GRANT IN SUPPORT OF MOTION  
TO ADMIT COUNSEL PRO HAC  
VICE**

BARBARA BOLAND, individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

MERRILL LYNCH & CO., INC., E.  
STANLEY O'NEAL, CAROL T. CHRIST,  
ARMANDO M. CODINA, VIRGIS W.  
COLBERT, JILL K. CONWAY, ALBERTO  
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CHARLES O. ROSSOTTI, LOUIS DIMARIA,  
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1-20,

Defendants.

**Case No. 07-CV-11054 (MGC)**

Lynda J. Grant declares pursuant to 28 U.S.C. § 1746 as follows:

1. I am a member of the firm of Cohen, Milstein, Hausfeld & Toll, P.L.L.C., co-counsel for Plaintiffs CARL ESPOSITO and BARBARA BOLAND in the above captioned actions. I am familiar with the proceedings in this case. I make this statement based on my knowledge of the facts set forth herein and in support of Plaintiffs' motion to admit Derek L. Loeser as counsel *pro hac vice* to represent Plaintiffs in this matter.

2. I am a member in good standing of the bar of the state of New York, and was admitted to practice law on March 23, 1983. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have known Derek W. Loeser the past several years, and am familiar with his practice. We have both been involved in complex ERISA class action litigation representing plaintiffs

4. Mr. Loeser is a partner at Keller Rohrback, L.L.P.

5. I have found Mr. Loeser to be a skilled attorney and a person of integrity. *See also* Exhibit A, declaration of Derek W. Loeser (to which a certificate of good standing is attached as Exhibit 1). He is experienced in Federal practice and is familiar with the Federal Rules of Civil Procedure.

6. Accordingly, I am pleased to move the admission of Derek W. Loeser, *pro hac vice*.

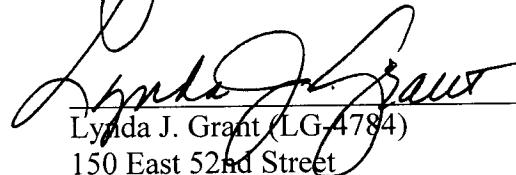
7. I respectfully submit a proposed order granting the admission of Derek W. Loeser, *pro hac vice*, which is attached as Exhibit B.

WHEREFORE, it is respectfully requested that the motion to admit Derek W. Loeser, *pro hac vice*, to represent Plaintiffs in the above captioned matter, be granted.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 14th, 2007 in New York, New York

COHEN, MILSTEIN, HAUSFELD  
& TOLL, P.L.L.C.



Lynda J. Grant (LG-4784)

150 East 52nd Street

Thirtieth Floor

New York, NY 10022

Telephone: (212) 838-7797

Facsimile: (212) 838-7745

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

CARL ESPOSITO, individually and on behalf )  
of all others similarly situated, )  
   )  
   Plaintiffs, )  
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1-20, )  
   Defendants. )  
   )  
\_\_\_\_\_  
)

**Case No. 07-CV-10687 (JGK)**

**AFFIDAVIT OF DEREK W.  
LOESER**

---

BARBARA BOLAND, individually and on )  
behalf of all others similarly situated, )  
   )  
   Plaintiffs, )  
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PETER STINGI and JOHN AND JANE DOES )  
1-20, )  
   Defendants. )  
   )  
\_\_\_\_\_  
)

**Case No. 07-CV-11054 (MGC)**

DEREK W. LOESER, an attorney duly admitted to practice in the Courts of this State of Washington, declares, pursuant to the Individual Rules and Procedures of this Court and Rule 1.3(c) of the Local Rules of the United States District Court for the Southern District of New York, as follows:

1. I am a partner with the law firm of Keller Rohrback L.L.P., Co-Counsel for Plaintiffs CARL ESPOSITO and BARBARA BOLAND in the above-captioned matters with Lynda J. Grant at the office of Cohen, Milstein, Hausfeld & Toll, P.L.L.C.
2. I submit this Affidavit in support of Plaintiffs' motion for my admission to practice *pro hac vice* in this matter to argue or try this particular case in whole or in part as counsel or advocate.
3. As shown in the Certificate of Good Standing issued by the Supreme Court of the State of Washington and attached hereto as Exhibit 1, I am a member in good standing of the Bar of the State of Washington.
4. There are no pending disciplinary proceedings against me in any State or Federal court.

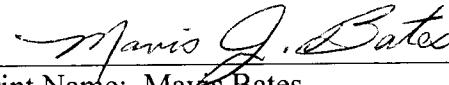
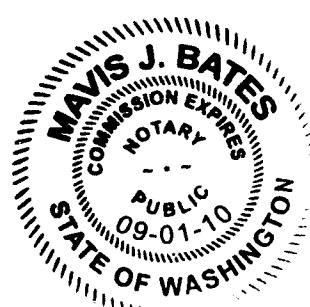
I declare under penalty of perjury that the foregoing is true and correct.

Dated: December 13, 2007, at Seattle, Washington.



DEREK W. LOESER

SUBSCRIBED AND SWORN TO before me this 13th day of December, 2007.



Print Name: Mavis Bates  
NOTARY PUBLIC in and for the State of Washington; residing at: KING COUNTY  
My commission expires: 9/11/10

**IN THE SUPREME COURT OF THE STATE OF WASHINGTON**

IN THE MATTER OF THE ADMISSION )  
OF ) BAR NO. 24274  
DEREK WILLIAM LOESER ) **CERTIFICATE OF GOOD**  
TO PRACTICE IN THE COURTS OF THIS STATE ) **STANDING**  
)

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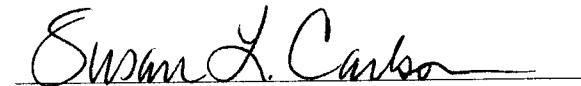
I, Susan L. Carlson, Deputy Clerk of the Supreme Court of the State of Washington, hereby certify

DEREK WILLIAM LOESER

was regularly admitted to practice as an Attorney and Counselor at Law in the Supreme Court and all the Courts of the State of Washington on November 15, 1994, and is now and has continuously since that date been an attorney in good standing, and has a current status of active.



IN TESTIMONY WHEREOF, I have  
hereunto set my hand and affixed  
the seal of said Court this 7<sup>th</sup> day of  
December, 2007.

  
\_\_\_\_\_  
Susan L. Carlson  
Supreme Court Deputy Clerk  
Washington State Supreme Court

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

CARL ESPOSITO, individually and on behalf )  
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Defendants. )  
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BARBARA BOLAND, individually and on )  
behalf of all others similarly situated, )  
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1-20, )  
Defendants. )  
)

**Case No. 07-CV-10687 (JGK)**

**[PROPOSED] ORDER FOR  
ADMISSION  
PRO HAC VICE  
ON WRITTEN MOTION**

**Case No. 07-CV-11054 (MGC)**

Upon the motion of Lynda J. Grant, Cohen Milstein Hausfeld and Toll, PLLC., attorney for Carl Esposito and Barbara Boland, and the Declaration of Lynda J. Grant, and accompanying exhibits;

IT IS HEREBY ORDERED that

DEREK W. LOESER  
Keller Rohrback LLP  
1201 Third Avenue  
Suite 3200  
Seattle, WA 98101  
Phone: 206-623-1900  
Fax: 206-634-3384

is admitted to practice *pro hac vice* as counsel for Carl Esposito and Barbara Boland in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the pro hac vice fee to the Clerk of the Court.

Dated: December 14, 2007  
New York, New York 10022

---

United States District/Magistrate Judge

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

CARL ESPOSITO, individually and on behalf )  
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**Case No. 07-CV-10687 (JGK)**

**CERTIFICATE OF SERVICE**

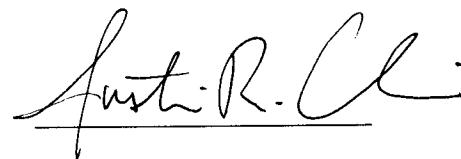
**Case No. 07-CV-11054 (MGC)**

**CERTIFICATE OF SERVICE**

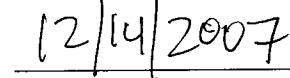
I, Justin R. Cambria, hereby certify that I am over the age of 18, and am employed by the Law Firm of Cohen, Milstein, Hausfeld, & Toll, P.L.L.C. On this 14<sup>th</sup> day of December, 2007, I caused true and accurate copies of the foregoing Motion to Admit Counsel Pro Hac Vice, Declaration of Lynda J. Grant in Support of Motions to Admit Counsel Pro Hac Vice, Affidavit of Derek W. Loeser, Certificate of Good Standing, and Proposed Order for Admission Pro Hac Vice on Written Motion, via UPS, upon the following counsel of record:

<p>Paul Blankenstein  Gibson, Dunn &amp; Crutcher, LLP  1050 Connecticut Avenue, N.W.  Washington, DC 20036-5306  Phone: 202-955-8693  Fax: 202-530-9532  pblankenstein@gibsondunn.com</p> <p>Representing Defendants E. Stanley O'Neal, Carol T. Christ, Armando M. Codina, Virgis W. Colbert, Jill K. Conway, Alberto Cribiore, John D. Finnegan, Judith Mayhew Jonas, David K. Newbigging, Aulana L. Peters, Joseph W. Prueher, Ann N. Reese, Charles O. Rossotti, Louis Dimaria, and Peter Stingi</p>	<p>William Edward Bernarduci, Esq.  Robert A. Izard, Esq.  Schatz Nobel Izard P.C.  20 Church Street, Suite 1700  Hartford, CT 06103  Phone: 860-493-6289  Fax: 860-493-6290  wbernarduci@snlaw.net  rizard@snlaw.net</p> <p>Representing Sean Shaugnessey</p>
<p>Robert I. Harwood, Esq.  Samuel Kenneth Rosen, Esq.  Harwood Feffer LLP  488 Madison Avenue, 8th Floor  New York, NY 10022  Phone: 212-935-7400  Fax: 212-753-3630  rharwood@hfesq.com  srosen@hfesq.com</p> <p>Representing Christine Donlon</p>	<p>Katherine B. Bornstein, Esq.  Edward W. Ciolko, Esq.  Joseph H. Meltzer, Esq.  Joseph A. Weeden, Esq.  Schiffrin, Barroway, Topaz &amp; Kessler, LLP  280 King of Prussia Road  Radnor, PA 19087  Phone: 610-667-7706  Fax: 610-667-7056  kbornstein@sbciclasslaw.com  eciolko@sbciclasslaw.com  jmeltzer@sbciclasslaw.com  jweeden@sbciclasslaw.com</p>

	Representing Elizabeth Estey and Tara Moore
Ralph M. Stone, Esq. Thomas G. Ciarlone, Jr., Esq. Amanda C. Scuder, Esq. Shalov Stone Bonner & Rocco, LLP 485 Seventh Avenue, Suite 1000 New York, NY 10018 Phone: 212-239-4340 Fax: 212-239-4310 <a href="mailto:rstone@lawssb.com">rstone@lawssb.com</a> <a href="mailto:tcialrone@lawssb.com">tcialrone@lawssb.com</a> <a href="mailto:ascuder@lawssb.com">ascuder@lawssb.com</a>  Representing Mary Gidaro	Jay B. Kasner, Esq. Skadden, Arps, Slate, Meagher & Flom LLP Four Times Square New York, NY 10036 Phone: 212-735-2628 Fax: 212-777-2628 <a href="mailto:jkasner@skadden.com">jkasner@skadden.com</a>  Representing Merrill Lynch & Co.
Edwin J. Mills Stull Stull & Brody 6 East 4th Street, 5th Floor New York, NY 10017 Phone: 212-687-7230 Fax: 212-490-2022 <a href="mailto:ssbny@aol.com">ssbny@aol.com</a>  Representing Gregory Yashgur	Curtis V. Trinko Wai Kin Chan Law Office of Curtis V. Trinko, LLP 16 West 46th Street, 7th Floor New York, NY 10036 Phone: 212-490-9550 Fax: 212-986-0158 <a href="mailto:kchan@trinko.com">kchan@trinko.com</a> <a href="mailto:cctrinko@trinko.com">cctrinko@trinko.com</a>  Representing Elizabeth Estey and Tara Moore



Justin R. Cambria



Date